

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**PHILLIP COHEN,  
PLAINTIFF,**

**vs.**

**UNION INSURANCE COMPANY,  
DEFENDANT,**

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**CIVIL ACTION NO: 5:21-cv-00065-JKP**

**PLAINTIFF PHILLIP COHEN'S UNOPPOSED MOTION FOR LEAVE TO FILE HIS  
SECOND AMENDED COMPLAINT**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES PHILLIP COHEN, hereinafter referred to as "PLAINTIFF", files this his Unopposed Motion for Leave to file his Second Amended Complaint, and would show onto the court the following to wit:

1. Plaintiff filed his Original Petition in Bexar County State District Court. Plaintiff then file his First Amended Petition and the Defendant was served.
2. Defendant timely filed its removal to Federal Court on January 25, 2021.
3. Under Rule 15, of the Federal Rules of Civil Procedure, Plaintiff would have been free to amend his complaint without leave, if he had filed his amended complaint on or before Tuesday, February 19, 2021.
4. Plaintiff's counsel resides in Bexar County, Texas. During the week of February 14<sup>th</sup>, 2021, this area, and the whole State of Texas, experienced unprecedented winter weather making it difficult if not impossible for Plaintiff's counsel to file the Second Amended Complaint on February 15, 2021.
5. Plaintiff's counsel has conferred with Defendant's counsel, and Defendant is unopposed to

this Motion for Leave.

6. Unless the opposing party can show prejudice, bad faith, or undue delay, a court shall grant leave to file an amended pleading. *Foman v. Davis*, 371 U.S. 178, 182 (1962); *see Runnion v. Girl Scouts of Greater Chi. & Nw. Ind.*, 786 F.3s 510, 519-20 (7<sup>th</sup> Cir. 2015). Further, leave to amend should be freely given when justice so requires. Fed. R. Civ. P. 15(a)(2); *Foman*, 317 U.S. at 182.

7. The Court should grant Plaintiff's Motion for Leave because it is unopposed, because the Defendant will not be prejudiced by the delay in the filing of the amended pleading and the Plaintiff is not guilty of undue delay.

WHEREFORE PREMISES CONSIDERED, PLAINTIFF PHILLIP COHEN, requests this Court to Grant him leave to file his Second Amended Complaint.

Respectfully submitted,

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/s/ A. Federico Longoria, III

THOMAS D. JONES  
State Bar No. 1095930  
A. FEDERICO LONGORIA, III

State Bar No. 24002492  
ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I certify that on this 19<sup>th</sup> day of February 2021, that a copy of Plaintiff's Second Amended Complaint was served by e-mail to [lisa.wilson@wilsonelser.com](mailto:lisa.wilson@wilsonelser.com) on the following attorney in charge for the Defendant:

Ms. Lisa M. Wilson  
WILSON ELSEER MOSKOWITZ EDELMAN & DICKER, LLP  
901 Main Street, Suite 4800  
Dallas, Texas 75202-3758

/s/ A. Federico Longoria, III  
A. FEDERICO LONGORIA, III

CERTIFICATE OF CONFERENCE

I certify that on this 19<sup>th</sup> day of February 2021, that I conferred with lead counsel for the Defendant, and she is unopposed to the Plaintiff's Motion for Leave to file his Second Amended Complaint.

/s/ A. Federico Longoria, III  
A. FEDERICO LONGORIA, III